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ORIGINAL
FILED

JAN 29 1998

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

RECEIVED
JAN 28 1998

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

COM21, Inc.
Plaintiff,
v.
Hybrid Networks, Inc.,
Defendant.

C - 98

Civil No.

RMW
20085

COMPLAINT FOR DECLARATORY
JUDGMENT OF PATENT
NONINFRINGEMENT AND
INVALIDITY

EAI

Plaintiffs, by and through their undersigned attorneys, complains and alleges as follows:

PARTIES

1. Plaintiff COM21, Inc. ("COM21") is a corporation organized under the laws of the state of Delaware and has its principal place of business at 750 Tasman Drive, Milpitas, California, 95035.
2. Upon information and belief, Defendant Hybrid Networks, Inc. ("Hybrid") is a corporation organized and existing under the laws of the state of Delaware and has its principal place of business at 10161 Bubb Road, Cupertino, California, 95014.

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PRAYER FOR RELIEF

WHEREFORE, COM21 prays that the Court:

A. Adjudge, declare, and decree that U.S. Patent No. 5,347,304, and each of its claims are invalid;

B. Adjudge, declare, and decree that U.S. Patent No. 5,586,121, and each of its claims are invalid;

C. Adjudge, declare, and decree that COM21 has not infringed and does not infringe, either literally or under the doctrine of equivalents, any valid claim of U.S. Patent No. 5,347,304;

D. Adjudge, declare, and decree that COM21 has not infringed and does not infringe, either literally or under the doctrine of equivalents, any valid claim of U.S. Patent No. 5,586,121;

E. Adjudge, declare, and decree that COM21 has not induced or contributed to the infringement of any valid claim of U.S. Patent No. 5,347,304;

F. Adjudge, declare, and decree that COM21 has not induced or contributed to the infringement of any valid claim of U.S. Patent No. 5,586,121;

G. Enjoin Hybrid, its officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of judgment from charging Com21, its suppliers, customers, and users of its products or processes with infringement of U.S. Patent No. 5,347,304 and from threatening to bring suit and from bringing suit against any of them for infringement, contributory infringement or inducing infringement of U.S. Patent No. 5,347,304.

H. Enjoin Hybrid, its officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of judgment from charging Com21, its suppliers, customers, and users of its products or processes with infringement of U.S. Patent No. 5,586,121 and from threatening to bring suit

1 and from bringing suit against any of them for infringement, contributory infringement or
2 inducing infringement of U.S. Patent No. 5,586,121.

3 I. Award COM21 its reasonable attorney fees in accordance with 35
4 U.S.C. 285;

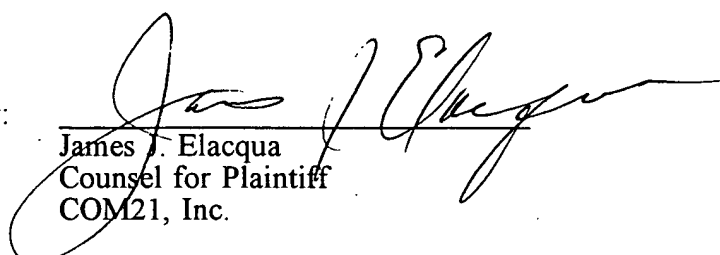
5 J. Award COM21 its reasonable costs of this action; and

6 K. Award COM21 such other and further relief as the Court deems just.

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8 Dated: January 28, 1998

BROBECK, PHLEGER & HARRISON LLP

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11 By:


James J. Elacqua
Counsel for Plaintiff
COM21, Inc.

Exp A



US005347304A

United States Patent [19]

Moura et al.

[11] Patent Number: 5,347,304

[45] Date of Patent: Sep. 13, 1994

[54] REMOTE LINK ADAPTER FOR USE IN TV BROADCAST DATA TRANSMISSION SYSTEM

[75] Inventors: Eduardo J. Moura, San Jose; James C. Long, Sunnyvale, both of Calif.

[73] Assignee: Hybrid Networks, Inc., Cupertino, Calif.

[21] Appl. No.: 98,764

[22] Filed: Jul. 28, 1993

Related U.S. Application Data

[63] Continuation of Ser. No. 757,151, Sep. 10, 1991, abandoned.

[51] Int. Cl.³ H04H 1/00

[52] U.S. Cl. 348/12; 348/13; 348/17; 455/5.1; 455/6.1

[58] Field of Search 455/4.2, 5.1, 6.1, 6.2, 455/6.3; 358/84-86; 370/73, 76; 348/1, 12, 13, 15, 17; 375/36

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4,987,486 1/1991 Johnson et al. 455/5.1
5,014,125 5/1991 Pocock et al. 455/4.2
5,093,718 3/1992 Hooty et al. 358/86
5,247,347 9/1993 Litteral et al. 455/4.2

OTHER PUBLICATIONS

Descriptive material describing Row-Grabbing System of information retrieval developed by IDR.

Primary Examiner—Reinhard J. Eiscenzopf

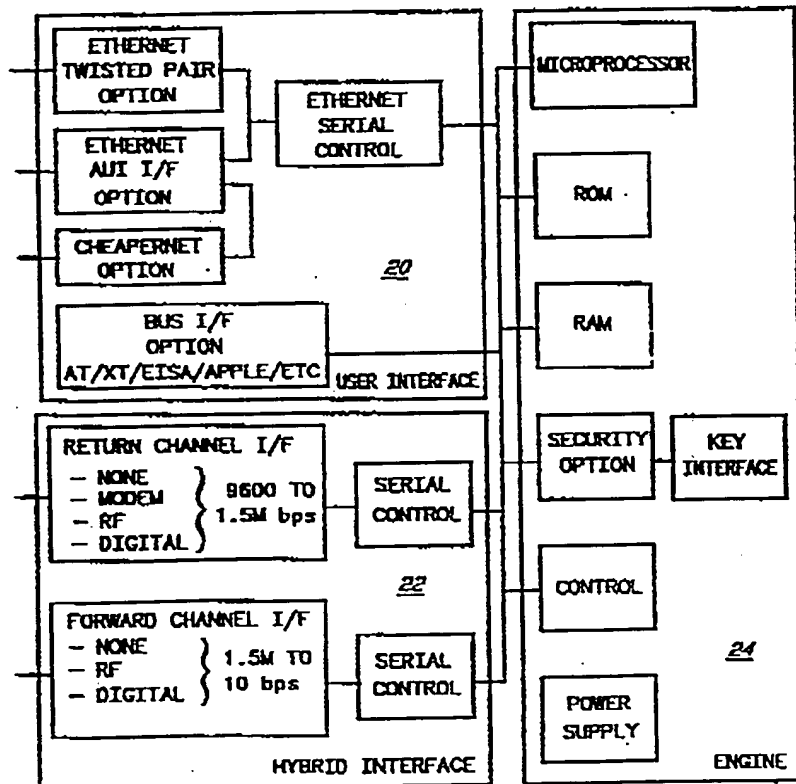
Assistant Examiner—Andrew Faile

Attorney, Agent, or Firm—Townsend and Townsend Khouric and Crew

[57] ABSTRACT

A hybrid transmission system is provided to transmit and receive high-speed digital information in the form of variable length packets using standard television practices and components. The basic building block of this hybrid digital transmission system is the device at the remote location that receives the analog broadcast TV-like signal processed by a standard vestigial side-band video modulator. This device decodes the digital information from the signal and then passes it along as digital information to any form of a data terminal equipment or computer.

9 Claims, 10 Drawing Sheets





US005,586,121A

EXB-B

United States Patent [19]

Moura et al.

[11] **Patent Number:** 5,586,121[45] **Date of Patent:** Dec. 17, 1996[54] **ASYMMETRIC HYBRID ACCESS SYSTEM AND METHOD**[75] **Inventors:** Eduardo J. Moura, San Jose; Jan M. Gronski, Palo Alto, both of Calif.[73] **Assignee:** Hybrid Networks, Inc., Cupertino, Calif.[21] **Appl. No.:** 426,920[22] **Filed:** Apr. 21, 1995[51] **Int. Cl.⁶** H04J 3/16[52] **U.S. Cl.** 370/404; 379/202; 455/5.1; 348/12; 370/276; 370/312; 370/412; 370/463; 370/478[58] **Field of Search** 370/95.2, 94.1, 370/85.13, 60, 61, 37, 24, 79, 94.2; 379/96, 97, 98, 105, 202; 455/5.1; 348/12, 13[56] **References Cited****U.S. PATENT DOCUMENTS**

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Primary Examiner—Douglas W. Olms*Assistant Examiner*—Shick Hom*Attorney, Agent, or Firm*—Cushman Darby & Cushman; IP Group of Pillsbury Madison & Sutro LLP[57] **ABSTRACT**

An asymmetric network communication system for use in a client-server environment having independent forward and return channels operating at different speeds and/or under different protocols on the same or different communication media to provide efficient utilization of shared resources. A network manager, such as a hybrid access system, effects transmission of packetized data on a forward (downstream) channel from the host server to multiple client devices coupled with a shared downstream media at 10 or more megabits per second while simultaneously providing selectable multiple lower speeds of operation on shared or dedicated return (upstream) channels from the client devices to the host server depending on bandwidth availability, bandwidth demand, service level authorization, etc. for the return channel. Forward and return channels may be located on the same or different communication medium including a CATV network, direct broadcast satellite network, television or radio RF broadcast network, wireless or mobile cellular facilities or the like. The return channel may reside on a PSTN either directly coupled with the host server or connected with the network manager for subsequent transmission to the host server. The network manager handles or controls the forward and return communication to establish interactive full-duplex real-time network sessions between the host and a selected client device.

61 Claims, 20 Drawing Sheets

